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BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF)
SONORAN SOLAR ENERGY, LLC, IN)
CONFORMANCE WITH THE REQUIREMENTS OF)
ARIZONA REVISED STATUTES §§40-360, *et seq.*,)
FOR A CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE)
CONSTRUCTION OF A 500KV GEN-TIE LINE AND)
SWITCHYARD ORIGINATING AT THE PROPOSED)
SONORAN ENERGY SWITCHYARD AND)
TERMINATING AT THE JOJOBA SUBSTATION)
AND ASSOCIATED SWITCHYARD LOCATED IN)
MARICOPA COUNTY, ARIZONA.

Docket No.
L-00000UU-11-0337-00162

Case No. 162

AZ CORP COMMISSION
DOCKET CONTROL

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PROCEDURAL ORDER

Applications for Certificates of Environmental Compatibility were filed in the above captioned, consolidated matter with docket control of the Arizona Corporation Commission ("Commission") on September 7, 2011. A copy of the application was transmitted to John Foreman, designee of the Attorney General of Arizona, Thomas C. Horne, as Chairman ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order,

IT IS ORDERED:

1. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time of the pre-hearing conference scheduled below if they disagree that the time limit for decision on the application by the Line Siting Committee set by A.R.S. § 40.360.04(D) is March 5, 2012.
2. The Applicant shall arrange for the timely publication and posting of notice of the evidentiary hearing, as agreed to at the pre-application hearing involving the Applicant in a form approved by the Chairman. In addition, the Applicant shall submit a copy of the notice and present testimony describing the publication and posting of the notice at the evidentiary hearing.

Arizona Corporation Commission

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- 1 3. The Applicant shall make arrangements for the evidentiary hearing to be held at
2 the Hampton Inn and Suites, located at 2000 N. Litchfield Road, Goodyear,
3 Arizona 85395; telephone: 623-536-1313, beginning on Tuesday, October 25,
4 2011, continuing on Wednesday, October 26, 2011, and if necessary, on
5 Thursday, October 27, 2011. All hearings will begin at 9:30 a.m. unless a tour is
6 taken. If a tour if a tour is taken it will be taken beginning on Wednesday, October
7 26, 2011, at 8:30 a.m. A public comment session will be held on Tuesday,
8 October 25, 2010, beginning at 6:00 p.m. The Applicant shall make
9 arrangements for further regular sessions, if needed, and additional public
10 comment sessions, if needed, on dates, at times and at places to be determined
11 later.
12
- 13 4. The Applicant shall contact the appropriate member of the staff of the
14 Commission, and advise them of the Applicant's position concerning
15 reimbursement of the Line Siting Fund should the expenses of the hearings
16 exceed the application fee, and to discuss financial arrangements regarding hotel
17 reservations and other expenses of the Line Siting Committee Members. A.R.S.
18 § 40-360.10. The Applicant shall advise the Chairman of the results of these
19 discussions so the necessary information may be communicated to the Line
20 Siting Committee Members.
21
- 22 5. The Applicant shall provide a copy of this order to any other potential parties
23 ("persons" within the meaning of A.R.S. § 40-360(8) who express an intention to
24 intervene to the Applicant or who request to intervene pursuant to A.R.S. § 40-
25 360.05(A)),
26
6. The Applicant and all other potential parties shall meet and confer, on or before
the beginning of the evidentiary hearing to determine whether any of the potential
parties have similar interests in the application process that will allow them jointly
to present testimony on direct or cross-examination of witnesses or jointly to offer
exhibits into evidence. The Applicant shall, and any other potential party may,
report to the Chairman the results of the attempts of the parties to resolve the
issues and to determine if common interests exist that will allow parties to jointly
present evidence and argument or to avoid repetition of testimony and argument
at the hearing.
7. The parties and any other potential parties ("persons" within the meaning of
A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line
Siting Committee about any procedural matters or any factual issues or legal
issues relating to the Application while the Application is pending before the Line
Siting Committee. The only exception is the parties may communicate with the
Chairman, during the time the Application is pending, about procedural matters
relating to the preparation of the Application for hearing, the hearing on the

1 Application and the decision on the Application by the Line Siting Committee.
2 Communication of the parties with the Chairman about any procedural matters,
3 during the time an Application is pending, shall be in writing with a copy of the
4 written communication to all parties or known potential parties ("persons" within
5 the meaning of A.R.S. § 40-360(8) who have expressed an intention to intervene
6 or request to intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the
7 record at a pre-application hearing, at a procedural hearing or at the hearing on
8 the application. Any party who initiates any written communication sent to the
9 Chairman shall file, with docket control of the Commission, a copy of the
10 communication, including its distribution list, within 10 days of sending the
11 communication.

8 8. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall
9 submit, at least forty-eight hours before the hearing or meeting described in the
10 agenda, any objections, additions or corrections to the agenda, in order to bring
11 the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,
12 serve a copy upon all other parties and file a copy with docket control of the
13 Commission.

12 9. In addition, all parties shall meet and confer as needed before, during and after
13 the hearing to attempt to resolve any disputes amongst the parties. The parties
14 also shall keep all other parties advised of their positions and intentions with
15 regard to the presentation of evidence, witnesses and the application process in
16 general to avoid delay, the presentation of repetitive evidence and any unfair
17 advantage from surprise.

16 10. All parties shall prepare brief summaries of the expected direct testimony of each
17 witness they will call. In lieu of a testimonial summary, a party may pre-file and
18 exchange all or substantially all of the direct testimony of any witness.
19 Testimonial summaries and pre-filed testimony should be filed no later than the
20 last pre-hearing conference or three business days before the witness is to
21 testify, whichever is later. Except for good cause, no witness will be allowed to
22 testify on direct examination concerning issues not reasonably identified in the
23 pre-filed testimony or testimonial summary.

21 11. All parties shall meet, confer and exchange all exhibits the party plans to offer in
22 evidence before the hearing or before they are referred to in testimony or offered
23 in evidence. The Applicant shall, and other parties may, provide one or more
24 three ring binders for the Chairman and each member of the Line Siting
25 Committee to hold exhibits at the beginning of the hearing and as needed during
26 the hearing. Each party shall prepare a numbered list of the exhibits and a copy
of all exhibits suitable for placement in the binders that have been exchanged
with the other parties that each party expects to offer in evidence at the hearing

1 for the Chairman and each Line Siting Committee member. The exhibits shall be
2 provided at the beginning of the hearing and during the hearing before reference
3 to the exhibit is made in the hearing. Except for good cause, no exhibit that was
4 not exchanged with the other parties shall be considered at the hearing. Any
5 exhibit to which reference is made during any hearing that is not offered or
6 admitted into evidence shall be provided to the court reporter at the evidentiary
7 hearing for inclusion in the record unless it is withdrawn, and the Chairman
8 determines its filing is not necessary to an understanding of the actions of the
9 Committee.

10 12. All exhibits shall be consecutively numbered with the Applicant's exhibits
11 denominated: S-1, S-2, etc. Each intervening party will be assigned by the
12 Chairman a letter or letters of the alphabet as a preface with which to
13 consecutively number its exhibits.

14 13. The Applicant may make an opening statement at the beginning of the hearing of
15 no more than thirty minutes. Each other party may make an opening statement
16 of no more than five minutes.

17 14. Public comment will be heard after the opening statements and at other times set
18 by the Chairman during the hearing. See ¶ 3, above.

19 15. In the event the Chairman determines that a tour is appropriate, the Applicant
20 shall arrange for transportation of any Committee Members who wish to attend a
21 tour of the locations where facilities proposed in the application or similar facilities
22 are located. If a tour is held, the Applicant shall submit to the Chairman, for
23 approval in advance of the hearing, a schedule and protocol agreed to by all
24 parties for the tour. If all parties do not agree upon the schedule and protocol for
25 the tour, the disagreements shall be submitted to the Chairman for resolution.
26 The protocol shall identify the tour route, identify the location of any stops, and
identify any witnesses who will accompany the tour. Counsel may ask brief
explanatory questions of the identified witness or witnesses during the stops
about the location, what can be seen from the location of the stop and the
relevance of the location or view to the Application in the discretion of the
Chairman. All witnesses who testify on the tour shall be sworn before their
testimony. All questions and answers shall be before a court reporter. No
testimony or discussion with or between Committee Members about the
Application or matters relating to the Application will take place, except on the
record before a court reporter at the designated stops. The protocol shall provide
for access to any testimony presented at stops on a tour to members of the
public. Members of the public who wish to attend the tour shall be encouraged to
notify the parties or the appropriate staff of Arizona Corporation Commission in
advance of their intention to attend.

- 1 16. Parties may present their witnesses in panels where appropriate. A party that
2 intends to present witnesses in panels shall identify the members of any panel at
3 the time it files its witness summaries.
- 4 17. The Applicant shall make arrangements for the preparation of expedited court
5 reporter transcripts of all pre-application hearings, pre-hearing procedural
6 hearings and the evidentiary hearing, so that the transcripts are available for
7 public inspection within three working days after each hearing date, as required
8 by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a
9 certification with Commission docket control that it has provided a copy of the
10 transcripts to at least two public libraries identified in the certification that are in
11 the vicinity of the application.
- 12 18. On or before the final pre-hearing procedural hearing set below, the Applicant
13 shall, and the other parties may, file proposed findings of fact, proposed
14 conclusions of law, the wording of any proposed Certificate of Environmental
15 Compatibility and the wording of any proposed conditions to the Certificate.
- 16 19. If the beginning of closing arguments and the Line Siting Committee's
17 deliberations are more than one week after the beginning of the hearing, the
18 parties shall meet and confer after the hearing begins and before closing
19 arguments concerning proposed findings of fact, proposed conclusions of law, a
20 proposed Certificate of Environmental Compatibility and the wording of any
21 proposed conditions to the Certificate. If the parties are able to agree upon part
22 or all of the proposed findings of fact, proposed conclusions of law, proposed
23 forms of a Certificate of Environmental Compatibility and proposed wording of
24 conditions to the Certificate, all that is agreed upon should be reduced to writing
25 and filed with Commission docket control. If the parties are not able to agree
26 completely, the Applicant shall, and all other parties may, file proposed findings
of fact, proposed conclusions of law, proposed wording of a Certificate of
Environmental Compatibility and proposed wording of conditions to the
Certificate on the day before the beginning of closing arguments and the Line
Siting Committee's deliberations.
20. If the Applicant or any other party proposes conditions based upon conditions
used in prior cases, each proposed condition from a prior case shall contain the
case number of the most recent prior Certificate of Environmental Compatibility
using the language approved by the Commission.

1 21. All witness summaries, proposed findings of fact, proposed conclusions of law,
2 proposed Certificates of Environmental Compatibility and proposed conditions of
3 Certificates, shall be filed with Commission docket control pursuant to A.A.C.
4 R14-3-204 and -205. If any documents that are filed are hand delivered during
the hearing, eleven copies shall be submitted to the Chairman for distribution to
the other Committee Members.

5 22. Within five business days after the hearing concludes and the Committee renders
6 its decision, the parties shall meet and confer in person or electronically to
7 determine if they can agree upon the final wording of a proposed Certificate of
8 Environmental Compatibility. If the parties can agree upon the final wording of a
9 proposed Certificate of Environmental Compatibility, Applicant shall file forthwith
10 the agreed upon proposed Certificate of Environmental Compatibility to the
11 Chairman for signature. If the parties are not able to agree upon a proposed
12 form of Certificate of Environmental Compatibility, the Applicant shall file, and
13 the other parties may file, within ten days after the date of the decision of the
14 Committee, those portions of the proposed Certificate of Environmental
15 Compatibility upon which the parties agree. The Applicant also shall file, and any
16 other party also may file, its understanding of any disputed portions of the
17 proposed Certificate of Environmental Compatibility. All proposed forms of the
Certificate of Environmental Compatibility and any objections or proposed
revisions shall be filed with docket control of the Commission, and a copy shall
be hand delivered to the office of the Chairman at 1275 W. Washington,
Phoenix, Arizona. Objections or suggestions that are not timely filed shall be
considered waived. The copy of the proposed Certificate of Environmental
Compatibility filed by the Applicant and any proposed revisions filed by the
parties that are served upon the Chairman shall include an electronic file
containing the wording of the proposed language in a format compatible with
Microsoft® Word word processing program.

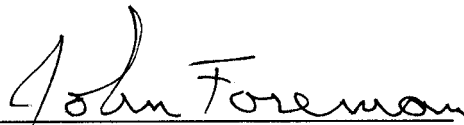
18 23. The Applicant and all other potential parties ("persons" within the meaning of
19 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
20 A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing
21 conference on October 21, 2011, beginning at 10:00 a.m. at the offices of the
22 Attorney General of Arizona at 1275 W. Washington, Phoenix, Arizona. Parties
other than the Applicant may appear by telephone with the prior permission of
the Chairman. At the final pre-hearing conference, the Chairman will review with
the parties:

- 23 a. The publication and posting of notices of the hearing;
24 b. The proposed agenda for the evidentiary hearing;
25 c. Any notices to intervene, applications to intervene, and applications to
26 make a limited appearance;

- 1 d. The status of attempts to narrow the issues at the evidentiary hearing or to
2 agree to language in the proposed findings of fact, proposed conclusions
3 of law, proposed Certificates of Environmental Compatibility and proposed
4 conditions to the Certificate;
5 e. The status of the filing and exchange of witness summaries or written
6 testimony, proposed findings of fact, proposed conclusions of law,
7 proposed Certificates of Environmental Compatibility and proposed
8 conditions to the Certificate;
9 f. The status of the exchange of exhibits amongst the parties;
10 g. Any objections, motions, responses and legal memoranda that have been
11 filed;
12 h. Plans and preparations for the hearing, public comment session, and tour
13 of the proposed site.

14 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
15 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
16 conference or at a hearing.

17 DATED this 9th day of September, 2011.

18 
19 John Foreman
20 Assistant Attorney General
21 Chairman
22 Arizona Power Plant and Transmission
23 Line Siting Committee
24 john.foreman@azag.gov

25 Pursuant to A.A.C. R14-3-204,
26 The Original and 25 copies were
filed this 9th day of September, 2011, with:

Utilities Division-Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

1 Copies of the above mailed
2 this 9th day of September, 2011 to:

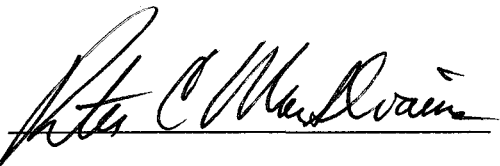
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